

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ON DEMAND DIRECT RESPONSE, LLC,

Plaintiff(s),

vs.

SHANA LEE MCCART-POLLAK,

Defendant(s).

Case No. 2:15-cv-01576-MMD-NJK

ORDER

(Docket No. 240)

Pending before the Court is the joinder filed by the On Demand Counter-Defendants to Third Party Defendant Kevin Harrington's motion to stay discovery pending resolution of his motion to dismiss. *See* Docket No. 240 (joinder); *see also* Docket No. 239 (motion to stay discovery). As an initial matter, the Court is unclear what relief Counter-Defendants actually seek through this joinder, as they seek to join the motion to stay "to the extent of its relevance" to Counter-Defendants. Docket No. 240. The motion to stay discovery, as framed, appears to have no relevance to Counter-Defendants. Docket No. 239 at 1 (seeking to "stay all discovery relating to [Third-Party Defendant Kevin Harrington]"). Moreover, Counter-Defendants do not have any pending dispositive motion on which they base a request to stay. For that very reason, the Court has already expressly directed Counter-Defendants that any request they may have to stay discovery "must separately address why a stay of discovery is appropriately extended to it. *Cf. White v. Am. Tobacco*, 125 F.R.D. 508, 509 (D. Nev. 1989) (not staying discovery with respect to defendant who had not filed or joined pending dispositive motion)." Docket No. 228 at 1 n.1. The pending joinder has ignored that directive.

1 Lastly, the joinder has the incorrect case information in its caption. *Compare* Docket No. 240
2 at 1 *with* Docket No. 221 (ordering that all further documents “must bear the correct case number **2:15-**
3 **cv-1576-MMD-NJK**” (emphasis in original)).

4 Accordingly, the joinder at Docket No. 240 is **DENIED** without prejudice.

5 IT IS SO ORDERED.

6 DATED: February 10, 2017

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10 NANCY J. KOPPE
11 United States Magistrate Judge
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